IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 27546 of 2006(D)

PETITIONERS:

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1. M.M.THANKACHAN, S/O.MATHAI,
   CLERK (RETD) KSRTC PONKUNNAM,
   MALAMPARAKKAL HOUSE, MUTTAPPALLY,
   MUKKUTTUTHARA P.O., KOTTAYAM DISTRICT.

2. C.A.MOHAMMAD ASHRAF,
   CONDUCTOR,
   KSRTC, ERATTUPETTA.

BY ADV. SRI.P.P.SOMAN NAIR

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION
   REPRESENTED BY ITS MANAGING DIRECTOR,
   TRANSPORT BHAVAN, FORT P.O.,
   THIRUVANANTHAPURAM.

2. THE FINANCIAL ADVISOR AND
   CHIEF ACCOUNTS OFFICER,
   KERALA STATE ROAD TRANSPORT CORPORATION,
   TRANSPORT BHAVAN, FORT P.O.,
   THIRUVANANTHAPURAM.

3. THE ASSISTANT ACCOUNTS OFFICER,
   KERALA STATE ROAD TRANSPORT CORPORATION,
   TRANSPORT BHAVAN, FORT P.O.,
   THIRUVANANTHAPURAM.

4. THE ASSISTANT TRANSPORT OFFICER,
   KSRTC, PONKUNNAM.

5. THE SECRETARY,
   KERALA STATE TRANSPORT WORKERS CO-OPERATIVE -
   SOCIETY LTD.NO.T.133, THIRUVANANTHAPURAM.

6. THE ASSISTANT TRANSPORT OFFICER,
KSRTC, ERATTUPETTA.

BY ADV. SRI.N.UNNIKRISHNAN,SC KSTW CO.OP SOCIET
SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 27546/2006

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF PENSION ORDER ISSUED TO THE 1ST PETITIONER NO.1A1/P1/11/1-2002 DT.24.1.2002.

EXT.P2 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE UNIT OFFICER TO THE 1ST PETITIONER ON 02.01.2002.

EXT.P3 : TRUE COPY OF THE NOTICE DT.06.09.06 ISSUED TO THE 2ND PETITIONER.

RESPONDENT'S EXHIBITS:

EXT.R5(A) : TRUE COPY OF THE STATEMENT OF RECOVERY POSITION OF PETITIONERS IN WPC NO.27546 OF 2006.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27546 OF 2006

Dated this the 19th day of February, 2007

JUDGMENT

Having gone through the materials placed on record, I am of the view that the stand of the Society that a sum of Rs.9,387/- is payable by the K.S.R.T.C to the Society is correct. The counsel for the petitioner submits that apart from the above amount, a further amount of Rs.1,000/- is withheld from the salary of a surety.

Having regard to the rival submissions made before me, the Writ Petition will stand disposed of with the following directions:

The K.S.R.T.C will pay a sum of Rs.9,387/- to the 5th respondent-Society within six weeks of receiving copy of this judgment. Simultaneously the K.S.R.T.C will pay a sum of Rs.1,000/- to the petitioner so that he can pass it on to the surety concerned.

PIUS C. KURIAKOSE, JUDGE

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